

LIFE OF HAYWOOD IN MIDFIELD NOW

Defense To-morrow Begins Task of Proving Orchard Story False.

FACTS ALREADY ESTABLISHED

Evidence Shows that Orchard Received Money from Federation Officers, and Was Close to Haywood and Pettibone—Plan of Defense.

BOISE, IDAHO, June 22.—The closing of the case of the State leaves the battle for the life of William D. Haywood in midfield, and from now forward the sides change, the defense assumes the aggressive, and the prosecution is on the defensive. The State will carry its case on through an aggressive cross-examination, and then present testimony in rebuttal; but its main proposition and showing are already before the jury. As to the Steunenberg crime, which is one specifically charged against Haywood, the State has made the following showing: Jack Simpkins, member of the executive board of the Western Federation of Miners, went to Caldwell three months before Steunenberg was murdered. He traveled under the assumed name of Simmons, and lived with Orchard. He left Caldwell at the end of a week's stay, and later returned for a brief visit of less than a day. Haywood sent \$100 to Simpkins on December 21, 1905, nine days before the murder of Steunenberg, and an unsigned letter, sent from Denver on December 26, 1905, and showing by its address to "Thomas Hogan" that the writer knew the alias of Harry Orchard, contained in the statement that that had been sent to "Jack" on December 21, 1905. Orchard testified that Pettibone, one of Haywood's co-defendants, wrote the letter. Without making any request, Pettibone was extended to Orchard within two days after his arrest.

Haywood Party to Plan. Four letters were sent to Mrs. Orchard, the second at Cripple Creek, three by Orchard and one by Haywood at various times in 1905, and it is said that they not only showed evidence of a plan to conceal Orchard's whereabouts from his wife, but was part of a plan to make an alibi for him. Orchard swore that Haywood was a party to the plan, and that to carry it out Paddy Mullany, a member of the federation at Cripple Creek, undertook to deliver the two letters he wrote at Denver and dated at San Francisco, and that Marion Moore, a member of the federation board, carried the third letter to Nome, Alaska, and there mailed it. The letter, which was produced, with its envelope, bore the postmark of Haywood's letter to Mrs. Orchard, dated the date of November 1905, at which time Orchard and Simpkins were at Caldwell, and made the statement that the last the writer had heard of Orchard he was in Alaska.

Pettibone Supplied Funds. Articles from the Miners' Magazine and some testimony as to the Coeur d'Alene strike of 1899 show animus toward Steunenberg on the part of Haywood and other leaders of the federation. On the other hand, a conspiracy set up in the allegation by the State, the showing has been as follows: Orchard has been traced through all of the more important movements connected with the alleged attempt on the life of Fred Bradley at San Francisco by independent witnesses. It has been independently shown that while Orchard was at San Francisco, Pettibone, using false names, telegraphed money to him twice, and that a registered letter or package was sent to San Francisco from Pettibone's Denver address under a name used by Pettibone in sending one of the telegraphic remittances.

Other than by Orchard's word it has not been shown that the Bradley explosion was caused by a bomb. The casing of the so-called Peabody bomb has been produced, and its history largely proceeds on the side of the defense from the time it was dug out in Denver until it was dug out of the ice in the Coeur d'Alene district.

Always Linked Together. Miss Peabody confirmed one detail of the story Orchard told of one of the attempts to shoot her father, and Orchard's story of his journey to Canyon City to kill former Governor Peabody is given general confirmation by the testimony of William Vaughn, who was Orchard's traveling companion. Orchard went to Canyon City ostensibly as an insurance agent, and the State has produced a letter of recommendation written to the insurance company for him by Pettibone.

The discovery of the Goddard bomb has been established, but the earlier history of the bomb and all of the plot centering around it rests on the testimony of Orchard.

What Defense Claims. The chief corroboration of Orchard's testimony has been as to things he did and the time and manner of their doing, and it is contended by the defense that, aside from his testimony, there is not a single piece of independent evidence against Haywood or any fact that independently connects Haywood with the crime charged or any other crime.

MAKE AUDITORIUM GREAT MUSIC HALL

Innes Declares Building Is One of the Best in Country for Purpose.

CONCERTS PROVED NOTABLE SUCCESS

Big Attendance on Closing Night Delighted With Fine Work of Chorus and Orchestra. What Bandmaster Says About Necessary Changes.

Before another great audience that filled the big, new City Auditorium, the Wednesday Club's first popular music festival came to a brilliant and successful close last evening, the final program proving the most enjoyable of the entire series. Apart from the notable work of the Reunion Chorus, under Mr. Walter C. Mercer, and of the famous orchestral band, under Professor F. N. Innes, the concert afforded a conclusive test of the adaptability of the Auditorium to such purposes, and probably marked the beginning of an era of popular-priced, high-class musical productions in Richmond. This night, which will have an important bearing upon the plans of the Wednesday Club during the coming seasons, has a significance entirely distinct from the concert itself, and the success of it is a matter of much gratification and some relief to those who were making the experiment. No expression on this point could mean more to music-lovers of Richmond, or could carry more weight, than the opinion of Professor Innes himself.

What Innes Says. When seen at the Jefferson Hotel late last night, after the concert, the noted director said:

"The science of acoustics is among the unknowns of art, but many methods of improvement have been discovered from time to time. The suggestions that the concrete floor of Richmond Auditorium be covered over with planks and that a canvas ceiling be placed overhead seem to me to be unwise and unconservative. 'Neither in my opinion would do the slightest good. A concrete floor is considered good acoustic material, and a canvas roof would be a mere waste of money and time. 'I consider your Auditorium one of the very best in this country. 'It is certainly one of the most satisfactory I know of, provided a few changes are made. In some respects it may be improved, and so may other theaters in an unfinished state, but with the expenditure of about \$12,000, the sum which has been suggested for improvements, it can be made one of the finest music and convention halls in the country, from the point of view of acoustics.

Curved Lines Best. "Sharp angles and acoustics do not go together. Acoustics are in harmony with curves. The boxes on either side of the stage intensify the ill effects arising from square corners, and the exposed rafters interfere as well. The stage should be built out to the first two girders, the dressing-rooms removed from either side, and the corners curved out. The top should be sealed with plank, so as to prevent the sound from scattering among the exposed rafters. "The concrete floor already satisfactory. People make more fuss with their feet on wood than on concrete. There should be no steps leading from the front of the stage. There should be a gradual slope, instead of steps. "If these changes were made, I believe the Richmond Auditorium would become a noted one, and that it would pay for itself in five years."

Children's Chorus. The children's festival of song took the matinee hour yesterday, hundreds of children from the Richmond public schools in white being seated on the great platform erected on the Auditorium stage for the occasion. The orchestral band, under the direction of Professor Innes, held the front of the platform, and played several opening numbers with a skill and modulation which brought continuous applause. Professor Innes seemed especially gratified at the appreciation of the children in the chorus, whose enjoyment of the band music was most evident. The overture, "Rienzi," from Wagner, met with general approval, the complete harmony of the band, and the skill

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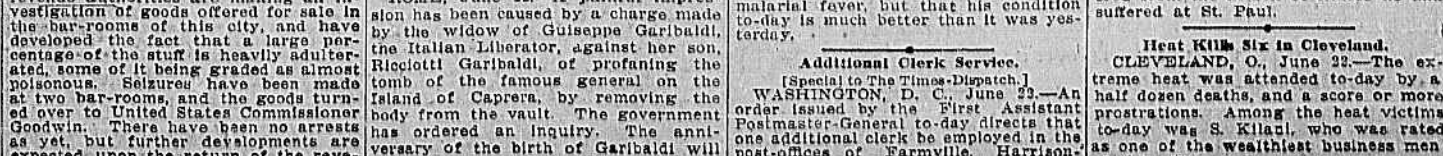
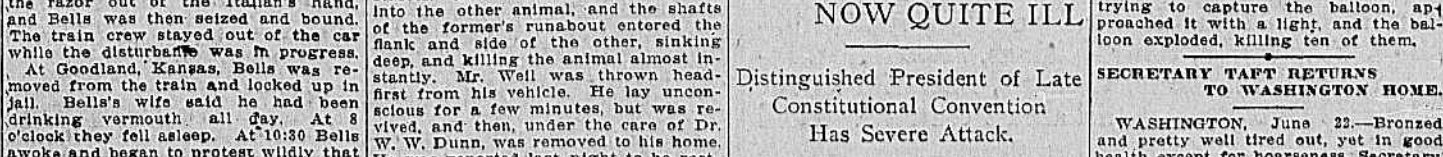
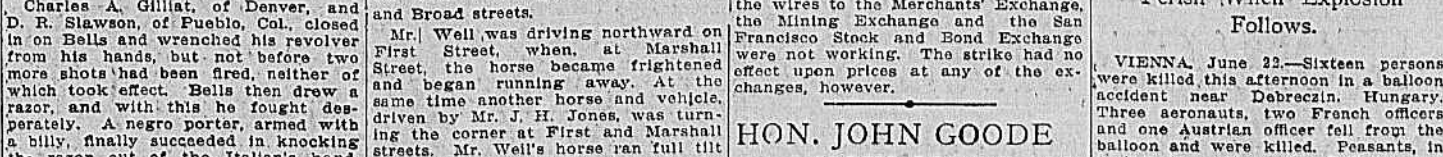
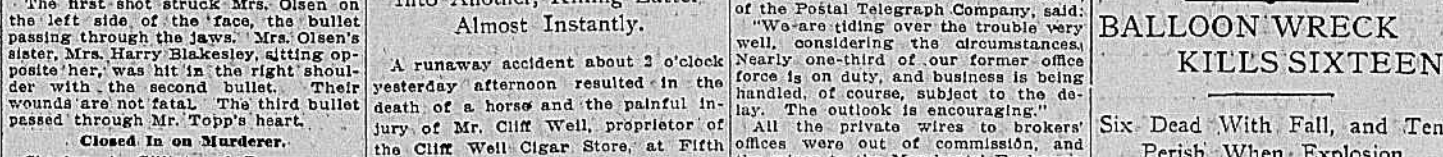
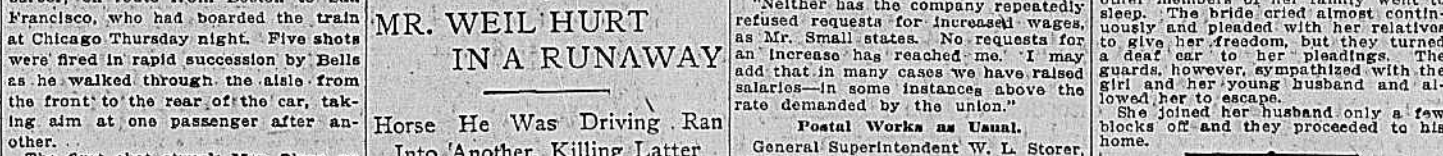
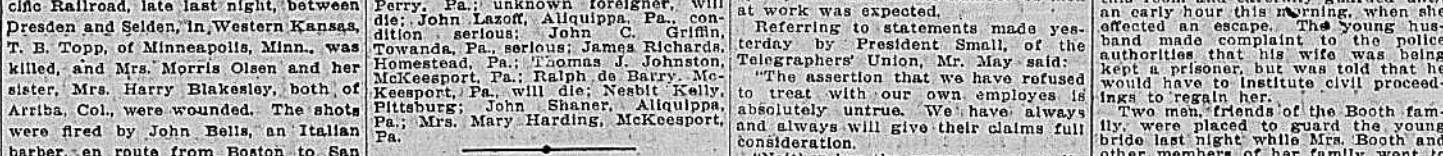
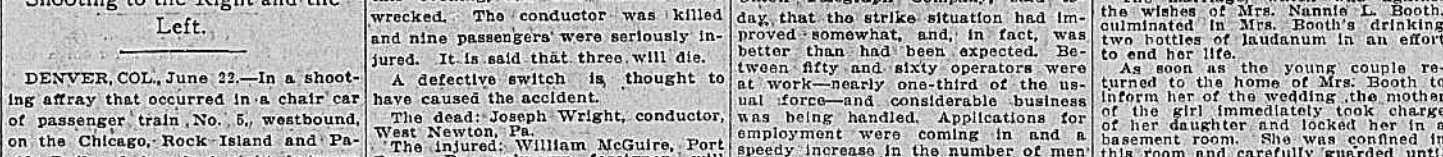
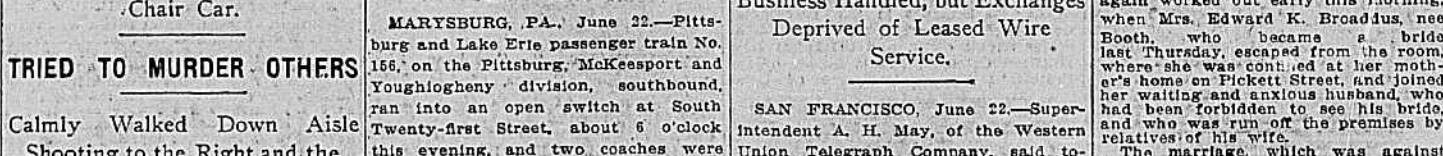
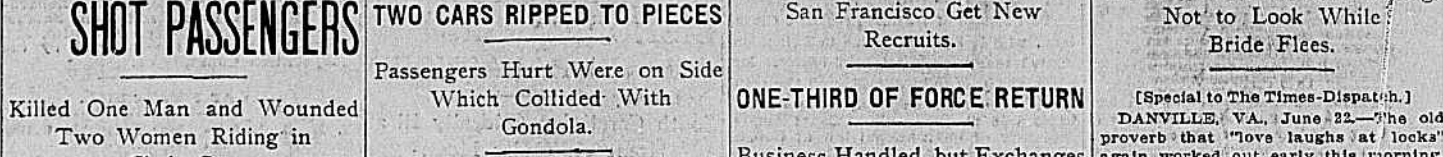
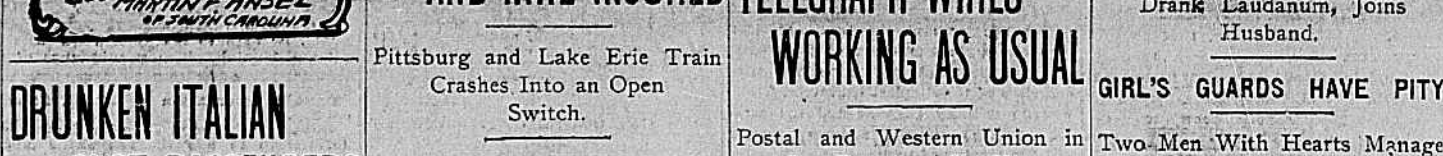
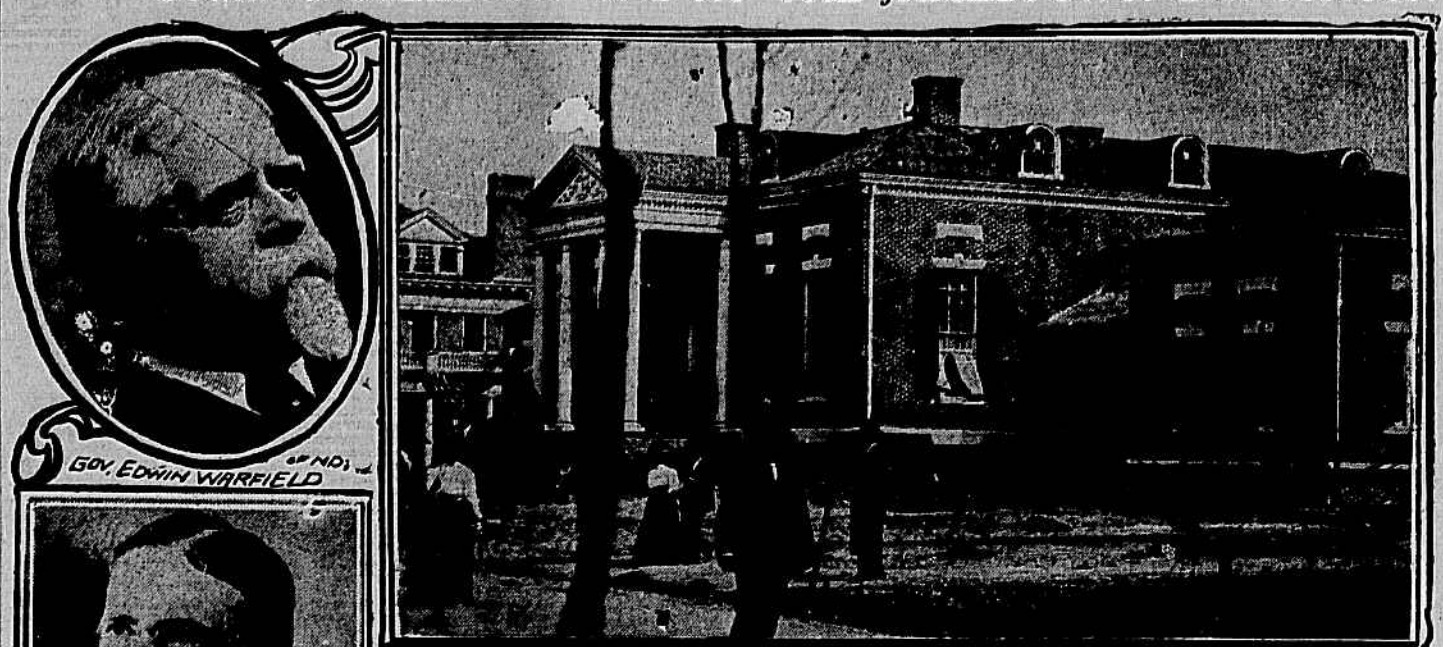
LITRELL DIES OF HIS INJURIES

Was Shot Down by Mitchell, a Laborer, Actuated by Jealousy.

[Special to The Times-Dispatch.] SALTVILLE, VA., June 22.—J. B. Litrell, was shot by G. M. Mitchell at the Southern Gypsum Company's mines yesterday, dying at 12 o'clock last night.

The trouble between Mitchell and Litrell, it is claimed, was caused by the latter's alleged attentions to Mitchell's wife. Mitchell used a double-barrel shotgun, the whole load entering Litrell's side. Two physicians were called to attend the wounded man, but were unable to save his life. Mitchell made his escape, and the authorities have telegraphed to Abingdon for bloodhounds. Litrell leaves a wife and several small children. His father is a wealthy farmer living in this county. Mitchell is a laborer. Both men were employed by the Southern Gypsum Company.

PROMINENT AMERICANS WHO WILL TAKE PART IN COMING CELEBRATIONS AT THE JAMESTOWN EXPOSITION



LOVING MURDER TRIAL TO-MORROW

A Sensational Case to be Called in Halifax County.

HUNDREDS OF WITNESSES

Unwritten Law to Play a Part. Rembles the Strothers and the Thaw Cases—Verdict Depends on Miss Loving's Testimony.

At Houston, the county seat of Halifax, there begins to-morrow one of the most notable murder trials which the State of Virginia has ever known, and which bids fair to rival in interest and sensations the McCue murder trial of three years ago, and the Strother murder trial of recent date. Judge William G. Loving, of Nelson county, a man prominent in the political and social life of the State, will be tried for his life, charged with shooting down Theodore Estes, a young man who resided near Judge Loving's home, and who the night before the killing, had been driving with his daughter, Miss Elizabeth Loving, a girl nineteen years of age. It seems a foregone conclusion that the defense of Judge Loving will be the "unwritten law," which played so important a part in the Strother-Bywaters trial. It will be remembered that at the conclusion of that trial, which resulted in the acquittal of the men who killed Bywaters, Judge Harrison from the bench made a statement regarding the law in this State for which he was severely criticized by the Northern press.

Two of the lawyers who so successfully defended the Strothers, are of counsel for Judge Loving, and in view of these circumstances it would appear that the defense will be the same in this trial as was brought forward in the Culpeper case. The Loving case is not unlike the Thaw-Whitely tragedy, and this being fresh in the minds of all lends an additional interest to the trial, for while Miss Elizabeth Loving's character is unsullied, the story told her father was unsullied, the interest, for while the prosecution and the Estes family have published abroad their side of the story, the contention of the defense is absolutely unknown, and especially is this true regarding the testimony of Miss Loving, who has lived in the strictest retirement since the fearful tragedy.

The fact that no statement has been made by the defense, and that no word has escaped except the brief utterance made by Judge Loving at the hearing before the justice when the release of the prisoner on bail was asked, and the interest, for while the prosecution and the Estes family have published abroad their side of the story, the contention of the defense is absolutely unknown, and especially is this true regarding the testimony of Miss Loving, who has lived in the strictest retirement since the fearful tragedy.

There are all manner of rumors about the case, but the only one which will be brought out by the defense, it is said that many affidavits have been secured touching on certain characteristics of young Estes, and that at least three persons will tell what they saw going on in the vehicle in which Miss Loving and Mr. Estes were seated, and of certain words uttered by Miss Loving in a high voice.

The story of the murder and of the incidents which led up to it, in brief, is as follows: On Sunday evening about 7 o'clock Mr. Theodore Estes took Miss Elizabeth Loving for a drive, Miss Loving residing at "Oakridge," the country place of Mr. Thomas F. Ryan, her father. Judge Loving, being manager for Mr. Ryan, Miss Loving was on a visit to Miss Annie Kidd at the village of Lovington, and it was at Miss Kidd's place that Mr. Estes invited her guest to accompany him on a drive. What occurred during the drive is unknown, but about 8 o'clock Mr. Estes and Miss Loving returned to Lovington, the young lady being in such a condition that she was lifted from the vehicle at the home of Miss Snead, and Mr. Estes was sent for a physician.

What Estes Said. To the physician Mr. Estes explained that there was nothing the matter except that Miss Loving had "taken too much booze." The doctor found that Miss Loving had taken whiskey, and prescribed accordingly, but made no further examination and asked no questions.

On Monday morning Judge Loving sent his wife to Lovington to find out the reason of his daughter's absence, and upon her return, after hearing a statement made by the daughter, armed with a shotgun and driving a team in search of Theodore Estes. That he expected Estes to flee the county is shown by the question he asked at Oakridge Station: "Did Theodore Estes take the train here?" On finding out that the young man was at the station in a freight car, Judge Loving hastened to the spot, and standing on the ground, with his gun pointing through the door at Estes, said: "So you were out driving with the ladies yesterday, were you?"

Heat Kills Six in Cleveland. CLEVELAND, O., June 22.—The extreme heat was attended to-day by a half dozen deaths, and a score or more of persons were taken to the hospital. Among the heat victims to-day was S. Kilgall, who was rated as one of the wealthiest business men of this city.

CONDUCTOR KILLED AND NINE INJURED

Pittsburg and Lake Erie Train Crashes Into an Open Switch.

TWO CARS RIPPED TO PIECES

Passengers Hurt Were on Side Which Collided With Gondola.

MARYSBURG, PA., June 22.—Pittsburg and Lake Erie passenger train No. 156, on the Pittsburg, McKeesport and Youghiogheny division, southbound, ran into an open switch at South Twenty-first Street, about 6 o'clock this evening, and two coaches were wrecked. The conductor was killed and nine passengers were seriously injured. It is said that three will die.

A defective switch is thought to have caused the accident. The dead: Joseph Wright, conductor, West Newton, Pa. The injured: William McGuire, Port Perry, Pa.; unknown foreigner, will die; John Laxoff, Alliquippa, Pa., condition serious; John C. Griffin, Towanda, Pa., serious; James Richards, Homestead, Pa.; Thomas J. Johnston, McKeesport, Pa.; Ralph de Barry, McKeesport, Pa.; will die; Nesbitt Kelly, Pittsburg; John Shaner, Alliquippa, Pa.; Mrs. Mary Harding, McKeesport, Pa.

MR. WEIL HURT IN A RUNAWAY

Horse He Was Driving Ran Into Another, Killing Latter Almost Instantly.

A runaway accident about 2 o'clock yesterday afternoon resulted in the death of a horse and the painful injury of Mr. Cliff Weil, proprietor of the Cliff Weil Cigar Store, at Fifth and Broad streets.

Mr. Weil was driving northward on First Street, when, at Marshall Street, the horse became frightened and began running away. At the same time another horse and vehicle, driven by Mr. J. H. Jones, was turning the corner at First and Marshall streets. Mr. Weil's horse ran full tilt into the other animal, and the shafts of the former's runabout entered the flank and side of the other, sinking deep, and killing the animal almost instantly. Mr. Jones escaped from the accident unhurt, and neither of the vehicles was seriously damaged.

SAYS SON REMOVED BODY OF GARIBALDI

ROME, June 22.—A painful impression has been caused by a charge made by the widow of Giuseppe Garibaldi, the Italian Liberator, against her son, Rinaldo Garibaldi, of profaning the tomb of the famous general on the island of Capri, by removing the body from the vault. The government has ordered an inquiry. The anniversary of the birth of Garibaldi will be celebrated on July 4th.

TELEGRAPH WIRES WORKING AS USUAL

Postal and Western Union in San Francisco Get New Recruits.

ONE-THIRD OF FORCE RETURN

Business Handled, but Exchanges Deprived of Leased Wire Service.

SAN FRANCISCO, June 22.—Superintendent A. H. May, of the Western Union Telegraph Company, said to-day that the strike situation had improved somewhat, and, in fact, was better than had been expected. Between fifty and sixty operators were at work—nearly one-third of the usual force—and considerable business was being handled. Applications for employment were coming in and a speedy increase in the number of men at work was expected.

Referring to statements made yesterday by President Small, of the Telegraphers' Union, Mr. May said: "The assertion that we have refused to treat with our own employees is absolutely untrue. We have always and always will give their claims full consideration. Neither has the company repeatedly refused requests for increased wages. Small states: 'No requests for an increase have reached me. I may add that in many cases we have raised salaries—in some instances above the rate demanded by the union.'"

Postal Works as Usual. General Superintendent W. L. Storer, of the Postal Telegraph Company, said: "We are tiding over the trouble very well, considering the circumstances. Nearly one-third of our former office force is on duty, and business is being handled, of course, subject to the delay. The outlook is encouraging." All the private wires to brokers' offices were out of commission, and the wires to the Merchants' Exchange, the Mining Exchange and the San Francisco Stock and Bond Exchange were not working. The strike had no effect upon prices at any of the exchanges, however.

HON. JOHN GOODE NOW QUITE ILL

Distinguished President of Late Constitutional Convention Has Severe Attack.

[Special to The Times-Dispatch.] LYNCHBURG, VA., June 22.—Hon. John Goode, of Bedford county, is quite ill at the home of his sister, Mrs. Victoria Harris, who resides on Norfolk Ave. in Rivermont, where he has been on a visit for some time. Dr. John W. Dillard, who is attending the aged patient, stated this afternoon that Mr. Goode is suffering from an attack of malarial fever, but that his condition to-day is much better than it was yesterday.

Additional Clerk Service. [Special to The Times-Dispatch.] WASHINGTON, D. C., June 22.—An order issued by the First Assistant Postmaster-General to-day directs that one additional clerk be employed in the post-offices of Farmville, Harrisonburg and Danville, respectively.

BRIDE ESCAPES PARENTAL ROOF

Daughter of Mrs. Booth, Who Drank Laudanum, Joins Husband.

GIRL'S GUARDS HAVE PITY

Two Men With Hearts Manage Not to Look While Bride Flees.

[Special to The Times-Dispatch.] DANVILLE, VA., June 22.—The old proverb that "Love laughs at locks" again worked out early this morning, when Mrs. Edward K. Broadus, nee Booth, who became a bride last Thursday, escaped from the room, where she was confined at her mother's home on Pickett Street, and joined her waiting and anxious husband, who had been forbidden to see his bride, and who was run off the premises by relatives of his wife.

The marriage, which was against the wishes of Mrs. Nannie L. Booth, culminated in Mrs. Booth's drinking two bottles of laudanum in an effort to end her life. As soon as the young couple returned to the home of Mrs. Booth to inform her of the wedding, the mother of the girl immediately took charge of her daughter and locked her in a basement room. She was confined in this room and carefully guarded until an early hour this morning, when she effected an escape. The young husband made complaint to the police, and authorities that his wife was being kept a prisoner, but was told that he would have to institute civil proceedings to "rescue" her.

Two men, friends of the Booth family, were placed to guard the young bride last night while Mrs. Booth and other relatives of the family were asleep. The bride cried almost continuously and pleaded with her relatives to give her freedom, but they turned a deaf ear to her pleadings. The guards, however, sympathized with the girl and her young husband and allowed her to escape.

She joined her husband only a few blocks off and they proceeded to his home. The story of the murder and of the incidents which led up to it, in brief, is as follows: On Sunday evening about 7 o'clock Mr. Theodore Estes took Miss Elizabeth Loving for a drive, Miss Loving residing at "Oakridge," the country place of Mr. Thomas F. Ryan, her father. Judge Loving, being manager for Mr. Ryan, Miss Loving was on a visit to Miss Annie Kidd at the village of Lovington, and it was at Miss Kidd's place that Mr. Estes invited her guest to accompany him on a drive.

What occurred during the drive is unknown, but about 8 o'clock Mr. Estes and Miss Loving returned to Lovington, the young lady being in such a condition that she was lifted from the vehicle at the home of Miss Snead, and Mr. Estes was sent for a physician. To the physician Mr. Estes explained that there was nothing the matter except that Miss Loving had "taken too much booze." The doctor found that Miss Loving had taken whiskey, and prescribed accordingly, but made no further examination and asked no questions. On Monday morning Judge Loving sent his wife to Lovington to find out the reason of his daughter's absence, and upon her return, after hearing a statement made by the daughter, armed with a shotgun and driving a team in search of Theodore Estes. That he expected Estes to flee the county is shown by the question he asked at Oakridge Station: "Did Theodore Estes take the train here?" On finding out that the young man was at the station in a freight car, Judge Loving hastened to the spot, and standing on the ground, with his gun pointing through the door at Estes, said: "So you were out driving with the ladies yesterday, were you?"